

AO 440 (Rev. 06/12) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

v.

\_\_\_\_\_  
*Defendant(s)*

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Civil Action No. \_\_\_\_\_

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

**ATTACHMENT 1 TO SUMMONS**

SPARTUCUS 20TH G.P., INC., PHILIP R. PALUMBO, JAKOB IRION, BODYROK FRANCHISE, LIMITED PARTNERSHIP, BODYROK FRANCHISE GP, INC., EXERCISE TECHNOLOGIES, L.P., BODYROK MARINA, L.P., SCULPT FITNESS BERKELEY, LLC, AND DOES 1 THROUGH 10, INCLUSIVE

**ATTACHMENT 2 TO SUMMONS**

**Spartacus 20th G.P., Inc.**

1900 Western Avenue  
Las Vegas, NV 89021

**Philip R. Palumbo**

1322 Alcyon Ct.  
Carlsbad, CA 92011

**Jakob Irion**

842 Bay Street  
San Francisco, CA 94109

**BodyROK Franchise, Limited Partnership**

2269 Chestnut Street  
Suite 388  
San Francisco, CA 94123

**BodyROK Franchise GP, Inc.**

2269 Chestnut Street  
Suite 388  
San Francisco, CA 94123

**Exercise Technologies, L.P.**

2269 Chestnut Street  
Suite 388  
San Francisco, CA 94123

**BodyRok Marina, L.P.**

7040 Avenida Encinas  
Suites 104-148  
Carlsbad, CA 92011

**Sculpt Fitness Berkeley, LLC**

3126A Laguna Street  
San Francisco, CA 94123